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APPLICATION NO.	FILIN	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,077 07/17/2003		17/2003	Hiroshi Daimoto	15115.086001	1841
Jonathan P. Os	7590	01/02/2008		EXAM	INER
Rosenthal & C			MCFADDEN, SUSAN IRIS		
Suite 2800 1221 McKinne	ey St.			ART UNIT	PAPER NUMBER
Houston, TX 77010 2626					
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				MAIL DATE	DELIVERY MODE
			•	01/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action O		10/622,077	DAIMOTO ET AL.			
	Office Action Summary .	Examiner	Art Unit			
		Susan McFadden	2626			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) 又	Responsive to communication(s) filed on issue	withdrawal on 12-3-07.				
·		· · · · · · · · · · · · · · · · · · ·				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠	Claim(s) 3-5 is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)[5) Claim(s) is/are allowed.					
6)🖾	6) Claim(s) 3-5 is/are rejected.					
7)	Claim(s) is/are objected to.					
8)□	Claim(s) are subject to restriction and/or	election requirement.				
Applicati	on Papers					
9)	The specification is objected to by the Examiner	r				
10)⊠ The drawing(s) filed on <u>17 July 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority u	ınder 35 U.S.C. § 119					
	12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of: 1.⊠ Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
	application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
Attachmen	t(s)					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ite			
	Information Disclosure Statement(s) (PTO/SB/08) Notice of Informal Patent Application Paper No(s)/Mail Date Other:					
C Datast and T						

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Isle et al. (4,931,950).

In regard to claims 3 and 4, Isle et al. show a data input device in Figure 2, having input means for inputting data and output means for outputting a message for prompting a data input operation, comprising: text data input means for inputting text data (keyboard input, item 56); voice data input means (item 62) for inputting voice data; input item storage means for storing an item to be inputted (input filter, item 64); and input control means for selecting one of the text data input means and the voice data input means in accordance with the characteristics of the item to be inputted which is stored in the input item storage means and can be selected (items 74, col. 7).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isle et al (cited above) in view of Arnold et al. (7,016,849).

In regard to claim 5, Isle et al. show a data input device in Figure 2 but does not specifically show noise measurement means for measuring noise generated around the data input device, wherein when voice data input means is selected and the noise measured by the noise measurement means is higher than a predetermined value, the input control means changes input means from the voice data input means to the text data input means. Arnold et al. show a method and system for recognizing speakers that use noise measurements to adapt the models (Fig. 1, item 121). Therefore, it would be obvious to one of ordinary skill in the art to combine these references because they produce a more user friendly system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner

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December 28, 2007